REMARKS

By this amendment, claims 1-3, 5-12, 14-21, 23-30 and 32-36 are pending, in which claims 37-40 are canceled without prejudice or disclaimer, and claims 1, 10, 19 and 28 are currently amended. Claims 4, 13, 22 and 31 were canceled without prejudice or disclaimer. No new matter is introduced. The independent claims were amended to incorporate subject matter in the canceled dependent claims 4, 13, 23 and 31. Accordingly, these changes are not believed to raise new issues requiring further consideration and/or search, and it is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

The Office Action mailed June 6, 2005 rejected claims 1-40 under 35 U.S.C. § 102 as anticipated by *Kloth* (US 6,598,034).

In the interest of expediting prosecution, Applicants have amended independent claims 1, 10, 19 and 28. These claims now recite "the performance enhancing functions include **spoofing of a connection** for transport of the information by selectively intercepting the information and modifying the information, **the spoofed connection being prioritized among a plurality of spoofed connections**."

The Office Action, on page 5, refers to col. 4, line 65-col. 5, line 3 to a disclosure of the above features. Applicants respectfully disagree with this interpretation. This cited passage states the following (*Emphasis Added*):

> In still another aspect, the data flow is altered or modified as a result of a detected pattern, which is a function of an associated rule. The detected pattern can be altered or modified. Alternatively, **the IP packet itself can be altered or modified**. This would include changing (or exchanging) destination addresses, or the like, for data packets.

The above passage merely discloses, in general terms, that an IP packet can be altered or modified. This description does not, however, teach "spoofing," much less "the spoofed connection being prioritized among a plurality of spoofed connections." The claim language "spoofing of a connection for transport of the information by **selectively intercepting the information and modifying the information**," merely qualifies the type of spoofing. The Examiner appears to only concentrate on this language without considering the other claim language and their associated context; this approach is contrary to settled law. Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference. *Kloth* is absolutely silent on utilizing "spoofed connections."

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Kloth discloses, col. 4, lines 27-37, a router that classifies the packet as early as possible with as much information as possible--from all OSI Layers and from all the rules--to be applied to every IP packet. The system performs the classification in parallel.

Moreover, none of the rules employed by the *Kloth* system relate to the performance enhancing function of "spoofing a connection." *Kloth* mentions, on col. 4, lines 3-5, that the system figures out the priority, Time To Live, monitoring status, and all other rules to be applied, and elaborates on how rules can be used (col. 4, lines 43-61). A set of rules are used to define a pattern (or set of patterns) to be analyzed (or compared/matched) in the incoming IP data flow. The rules can be edited or developed via an appropriate graphical interface. The rules can be applied on-the-fly (e.g. real-time or online, etc.) via a just-in-time (JIT) compiler, or the like. The rules might also be imposed at runtime without the use of a JIT compiler. The pattern can be located anywhere within the IP flow, e.g. IP packet headers or packet data. Upon detection of a certain pattern, actions can be performed upon the IP flow and/or individual IP packets. Such actions can include routing decisions, wherein the packet is mapped to a certain routing capability. Such traffic policing capabilities can include Unspecified Bit Rate (UBR), Variable Bit Rate (VBR), Constant Bit Rate (CBR) or their equivalents. The packet can also be buffered for sending later, and/or for evening out traffic loads between various points (or nodes) in a network.

In view of the above discussion, Applicants respectfully request the withdrawal of the rejection, and urge the indication that the independent claims 1, 10, 19 and 28 are allowable, along with their corresponding dependent claims 2, 3, 5-9, 11, 12, 14-18, 20, 21, 23-27, 29, 30 and 32-36.

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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Craig L. Plastrik
Attorney for Applicant
Registration No. 41,254